



**PATENT APPLICATION  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/034,720  
Appellant: Earl J. Braxton  
Filing Date: December 28, 2001  
Title: Portable Toilet Shelter Having Improved Stackability

Art Unit: 3751  
Examiner: Huyen D. Le

Attorney Docket: NMC104A US

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**Reply to Notice of Non-Compliant Appeal Brief**

Mail Stop Appeal Brief- Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the communication entitled Notification of Non-Compliant Appeal Brief under 37 C.F.R. § 41.37, dated December 29, 2010, the undersigned provides the following response.

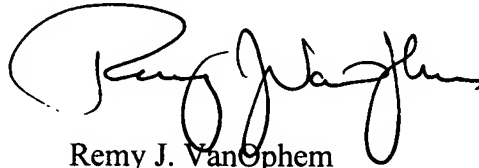
In the notification, the Examiner stated that the Appeal Brief filed on December 6, 2010 is defective because the brief does not contain a correct copy of the appealed claims as an appendix thereto. Specifically, the Examiner stated that the Claims Appendix filed with the Appeal Brief dated December 6, 2010; Claim 1 does not reflect the last entered Amendment dated January 6, 2010. In claim 1, after the amended work Final, the word (folded) has been omitted. The entire Brief is not required, only the correct version of the Claim Appendix for the Appeal Brief.

Reply to Notification of Non-Compliant Appeal Brief of December 29, 2010

In response thereto, a revised claim appendix is attached herewith. With the revised claim appendix, the Appeal Brief should now be in compliance with all of the requirements under 37 C.F.R. §41.37 and is ready for the Examiner to give his answer in response.

Respectfully submitted,

VANOPHEM & VANOPHEM, P.C.



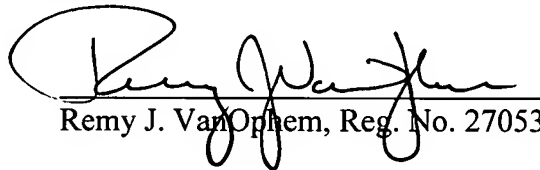
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Certificate under 37 CFR §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 7, 2011

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Date: January 7, 2011



Remy J. VanOphem, Reg. No. 27053



**Revised Claim Appendix**

1. A portable toilet shelter comprising:

a base; and

a loop enclosure circumscribing said base, said loop enclosure comprising:

opposed planar end walls, each end wall having longitudinally oriented opposed side edges;

opposed planar side walls between said planar opposed end walls, each of said planar side walls having longitudinally oriented opposed side edges; and

means for movably connecting said longitudinally oriented opposed side edges of said planar side walls to said longitudinally oriented opposed side edges of said end walls such that said opposed planar end walls and said opposed planar side walls are in an erected, unfolded in-use position when said planar side walls are substantially parallel to one another and said planar end walls are also substantially parallel to one another, said loop enclosure being in a full disassembled final folded state when said loop enclosure is collapsed, wherein one each of said opposed planar end walls is in direct contact with at least a portion of a respective one of said planar side walls, when said loop enclosure is collapsed in a non-use partially disassembled state to a stackable final folded planar state having a thickness of one each of said planar end walls and one each of said planar side walls for transporting said portable toilet shelter.

2. The portable toilet shelter as claimed in claim 1, wherein said means for movably connecting comprises at least one flexible hinge fastened to respective longitudinally oriented side edges of said planar end and planar side walls.

3. The portable toilet shelter as claimed in claim 2, wherein said at least one flexible hinge is riveted to respective longitudinally oriented side edges of said planar end and planar side walls.

5. The portable toilet shelter as claimed in claim 1, further comprising a commode mounted to said base within said loop enclosure.

7. A portable toilet shelter comprising:  
a base; and  
a loop enclosure circumscribing said base, said loop enclosure comprising:  
planar front and planar back end walls, each of said planar front and back end walls having disposed thereon opposed longitudinally oriented side edges, opposed longitudinal ends, and an inward surface;  
opposed planar side walls between said planar front and planar back end walls, each of said planar side walls having disposed thereon opposed longitudinally oriented side edges, opposed longitudinal ends, and an inward surface; and  
a plurality of flexible hinge strips connecting said longitudinally oriented side edges of said planar side walls to respectively adjacent edges of said longitudinally oriented side edges of said planar front and planar back end walls such that said planar end walls

and said planar side walls complete said loop enclosure and said longitudinal oriented side ends of said planar end walls and said planar side walls collectively define opposed longitudinal oriented corner ends of said loop enclosure;

said loop enclosure being collapsible to a stackable final folded planar state having a thickness of about one each of said planar front and planar back end walls and one each of said planar side walls for transporting said loop enclosure;

whereby one of said plurality of flexible hinge strips connected to said planar front end wall is foldable to move said planar front end wall against a respective one of said planar side walls and further whereby another of said plurality of flexible hinge strips connected to said planar back end wall is foldable to move said planar back end wall against a respective other of said planar side walls to collapse said loop enclosure to a final transportable state, further whereby said planar front and planar back end walls are unfoldable respectively away from said planar side walls such that said loop enclosure is self-supporting when placed on one end of said opposed longitudinal ends thereof.

8. The portable toilet shelter as claimed in claim 7, wherein said plurality of flexible hinge strips are riveted to respective opposed edges of said planar front and planar back end walls and said planar side walls.

10. The portable toilet shelter as claimed in claim 7, further comprising a commode mounted to said base within said loop enclosure.

12. A portable toilet shelter comprising:

a base;

a loop enclosure circumscribing said base, said loop enclosure being foldable to a planar collapsed condition and unfoldable to a self-supporting condition, said loop enclosure comprising:

a planar front end wall having disposed thereon left and right edges, top and bottom longitudinal ends, and an inward surface, said planar front end wall further having a door opening therethrough;

an oppositely disposed planar back end wall having disposed thereon left and right edges, top and bottom longitudinal ends, and an inward surface;

a planar right side wall between said planar front end and planar back end walls, said planar right side wall having disposed thereon opposed front and back edges, top and bottom longitudinal ends, and an inward surface;

a planar left side wall between said planar front end and planar back end walls, said planar left side wall having disposed thereon opposed front and back edges, top and bottom longitudinal ends, and an inward surface;

said longitudinal ends of said planar side and planar end walls collectively define longitudinal ends of said loop enclosure;

a plurality of flexible hinge strips, said plurality of hinge strips connecting said right edge of said planar front panel to said front edge of said planar right side wall, said back edge of said planar right side wall to said right edge of said planar back end wall, said left edge of said planar back end wall to said back edge of said planar left side wall, and said front edge of said planar left side wall to said left edge of said planar front wall, thereby completing said loop enclosure;

said loop enclosure being collapsible to a stackable final folded planar state having a thickness of about one each of said planar front and planar back end walls and one each of said planar right and planar left side walls for transporting said loop enclosure;

whereby said planar front and planar back end walls are foldable with respect to each other toward said side walls such that said inside surfaces of said planar front and planar back end walls respectively overlay said inside surfaces of said planar right and planar left side walls to collapse said loop enclosure to a final transportable state, and further whereby said planar front and planar back end walls are unfoldable respectively away from said planar right and planar left side walls such that said loop enclosure is self-supporting when placed on one end of said opposed longitudinal ends thereof; and

a roof mounted to the other of said longitudinal ends of said loop enclosure.

13. The portable toilet shelter as claimed in claim 12, wherein said plurality of flexible hinge strips are riveted to respective edges of said planar end and side walls.

15. The portable toilet shelter as claimed in claim 12, further comprising a commode mounted to said base within said loop enclosure.

17. A portable toilet shelter adapted to be collapsed to facilitate transportation thereof, said portable toilet shelter having a base and a roof, said portable toilet shelter further comprising:

a substantially loop-like enclosure circumscribing said base, said substantially loop-like enclosure being divided into four substantially equal longitudinally planar upright sections; and

a plurality of hinge members, one of said plurality of hinge members being interposed each of said four substantially equal longitudinally planar upright sections;

said loop-like enclosure being collapsible to a final disassembled stackable folded planar state having a thickness of about two of said four substantially equal longitudinally planar upright sections for transporting said portable toilet shelter;

whereby when said portable toilet shelter is collapsed, two of said four substantially equal longitudinally planar upright sections are in side by side relationship disposed atop another two of said four substantially equal longitudinally planar upright sections, such that an increased number of said loop enclosures may be transported when in said final disassembled collapsed state.

21. A portable toilet shelter comprising:

a base; and

a loop enclosure circumscribing said base, said loop enclosure comprising:

opposed planar end walls, each end wall having longitudinally oriented opposed side edges;

opposed planar side walls between said planar opposed end walls, each of said planar side walls having longitudinally oriented opposed side edges; and

means for connecting said longitudinally oriented opposed side edges of said planar side walls to said longitudinally oriented opposed side edges of said planar



end walls such that said planar end walls and said planar side walls complete said loop enclosure, said means for connecting comprising a plurality of flexible hinge strips;

said loop enclosure being in a fully disassembled final folded state when said loop enclosure is collapsed, wherein said planar end walls are in a folded position respectively against said planar side walls, such that each of said planar end walls is in direct contact with a respective one of said planar side walls, said loop enclosure being fully collapsible to a stackable final folded planar state having a thickness of one each of said planar end walls and one each of said planar side walls for transporting said portable toilet shelter, said planar state defining an upper planar surface comprised of an outer surface of a planar end wall and an outer surface of a planar side wall with one of said plurality of flexible hinge strips attached to each longitudinal opposed side edges of each of said walls, said one of said plurality of flexible hinge strips attached to each opposed side edges of each said wall in said folded planar state whereby a second collapsed loop enclosure laid on said folded planar state of said loop enclosure maintains a substantially horizontally disposed stackable position;

said loop enclosure being in a fully erected state when said planar end walls are in an unfolded position respectively away from said planar side walls and said loop enclosure is in an upright and self-supporting position, wherein said planar side walls are substantially parallel to one another and said planar end walls are also substantially parallel to one another, such that said planar side walls are substantially transverse to said planar end walls.